

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

**UNITED STATES OF AMERICA : 3:CR-03-064**

**v. : (Judge Munley)**

**THOMAS FINNEGAN : (Electronically Filed)**

**MOTION TO CONTINUE PLEA HEARING**

NOW COMES the Defendant, Thomas Finnegan, by and through his attorney, Gino A. Bartolai, Jr., Assistant Federal Public Defender, and moves this Honorable Court for a continuance of the Plea Hearing scheduled for Wednesday, October 13, 2004, and in support thereof avers as follows:

1. On March 18, 2003, Finnegan was charged in a two count indictment with violations of Title 18, United States Code, Sections 472 and 473.
2. On October 22, 2003, Finnegan was arraigned before Magistrate Judge Mannion and entered a plea of not guilty.

3. This Honorable Court has scheduled a plea hearing for Tuesday, November 2, 2004.

4. Finnegan resides in Easton, Pennsylvania. Finnegan contacted the undersigned and advised that he has no transportation from Easton to Scranton on Tuesday, November 2, 2004.

5. Due to lack of transportation, Finnegan respectfully requests that the plea hearing be continued from November 2, 2004.

Accordingly, the Defendant Thomas Finnegan respectfully requests that this Honorable Court continue the plea hearing from November 2, 2004, due to his transportation problems.

Respectfully submitted,

Date: November 1, 2004

s/Gino A. Bartolai, Jr.  
**Gino A. Bartolai, Jr., Esquire**  
**Assistant Federal Public Defender**  
**Attorney ID# PA 56642**  
Suite 2-C, Kane Professional Bldg.  
116 North Washington Avenue  
Scranton, Pennsylvania 18503  
(570) 343-6285  
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Attorney for Thomas Finnegan

**CERTIFICATE OF CONCURRENCE**

I, Gino A. Bartolai, Jr., Assistant Federal Public Defender, certify that on this date I contacted Barbara Kosik Whitaker, Assistant United States Attorney and counsel advised that she concurred in the within **Motion to Continue Plea Hearing**.

Date: November 1, 2004

s/Gino A. Bartolai, Jr.  
**Gino A. Bartolai, Jr., Esquire**  
**Assistant Federal Public Defender**

**CERTIFICATE OF SERVICE**

I, Gino A. Bartolai, Jr., Esq., Assistant Federal Public Defender, do hereby certify that I electronically served, via email, a copy of the foregoing **Motion to Continue Plea Hearing**, to the following:

Barbara Kosik Whitaker, Esq.  
Assistant United States Attorney  
P.O. Box 309  
Scranton, Pennsylvania 18501-0309

and by placing the same in the United States mail, first class in Scranton, Pennsylvania, addressed to the following:

Thomas Finnegan  
710 Cattell Street  
Easton, PA 18042

Date: November 1, 2004

s/Gino A. Bartolai, Jr. \_\_\_\_\_  
**Gino A. Bartolai, Jr., Esq.**  
**Assistant Federal Public Defender**